

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 1-31-73 by defendant. Waived
~~XXXXX by defendant~~

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>Grand River Dam Authority a public corporation</p> <p>vs</p> <p>Employers Commercial Union Insurance Company of America, Deft. & Third Party Pltf.</p> <p>vs</p> <p>Insurance Company of North America, W. R. Holway & Associates and Westinghouse Electric Corporation,</p> <p>Third Party Defendants</p> <p>Doerner, Stuart, Saunders, Daniel & Langenkamp Atlas Bldg., Tulsa 74103 (Holway & Assoc.) <i>585-5541</i></p>	<p>For plaintiff:</p> <p>Richard W. Lock (Gen Counsel-GRDA) P.O. Drawer G. Vinita, Okla. 74301 918-256-5545</p> <p>Thomas R. Brett 1700 Fourth Natl. Bank Bldg. Tulsa, Okla. 74119</p> <p>For defendant:</p> <p>Knight, Wilburn and Wagner 310 Beacon Bldg., Tulsa 74103 584-6457</p> <p>D. E. Hammer, R. B. McDermott (Westing. 1300 NBT Bldg. Tulsa, Okla. 74103 <i>587-0145</i>)</p> <p>Wm. S. Hall (Ins. Co. of No. Amer.) 816 Enterprise Bldg. <i>583-7128</i> Tulsa, Okla.</p> <p>Joseph A. Sharp (Holway & Assoc.) 200 Franklin Bldg., Tulsa 74103 <i>582-8477</i></p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>2-1-73</i>	Clerk	1-31-73	Knight CD 34	15 00	15.00
J.S. 6 mailed <i>5-1-74</i>	Marshal				
Basis of Action: <i>Transformer Breakdown</i>	Docket fee				
Recovery on policy	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-31-73	Petition for removal from District Court of Craig County, Okla filed.h	
1-31-73	Bond on removal filed. Surety-Am Employers Ins. Co. Amt-\$500.	
1-31-73	Notice of filing of petition and bond on removal by defendant filed.h	
1-31-73	Request for Jury Trial filed.h	
1-31-73	Answer filed.h	
2-5-73	Acknowledgment of the Clerk of the District Court in and for Craig County, Okla., of Receipt of copy of the Notice, Petition and Bond on Removal, filed. v	
2-27-73	Interrogatories to Employers Commercial Union Insurance Co. of America filed. v	
3-8-73	Deft's motion to bring in third party defendants, filed. hm	
3-8-73	Brief in support of motion to bring in third party defendants, filed.hm	
3-12-73	Order, filed, that deft's motion to bring in third party deft. is granted & deft. is given permission to file third party complaint. (LB-J)hm (copies mailed)	
3-12-73	Third party complaint, filed. Summons issued. hm	
3-21-73	Marshal's Service returned and filed. Summons served on Westinghouse service agent, The Corporation Company, Tulsa, Okla., 3-15-73 (USM fees \$4.00)jj	
3-21-73	Marshal's Service returned and filed. Summons served on W.N.Holway 3-15-73, Tulsa. Okla. (USM fees \$3.36)jj	
3-21-73	Marshal's Service returned and filed. Summons served on Ins. Co. of America by serving Joe B. Hunt, Okla. City, Okla. 3-15-73 (USM fees \$7.72) jj	
3-29-73	Application for ext. of time to file ans. to interrog., filed. hm to g u o	
3-30-73	Motion of third-party deft. Westinghouse for extension of time to answer third-party complaint, filed. hm to LB in order	
4-2-73	Order, filed (party of ^{Applic.} motion) that deft. is given until 4-13-73 to file answers to interrogatories. (LB-J)hm (copies mailed)	
4-3-73	Motion for ext. of time to ans. of 3rd party deft. Ins. Co. of N.A., filed. hm - 058	
4-4-73	Order granting Westinghouse Elec. Corp additional time to answer, filed, (to 4-19-73). (LB-J)hm (copies mailed)	
4-4-73	Separate <u>answer</u> of third party deft. W. R. Holway & Associates, filed.hm	
4-6-73	Order, filed, that 3rd-party deft. Ins. Co. of N.A. is granted until 4-19-73 to ans. third-party complaint. (LB-J)hm (copies mailed)	
4-13-73	Application for ext. of time to file ans. to interrog., filed. jj to g u o	
4-16-73	Separate Answer of Third-Party Deft. Insurance Co. of North America, filed. v (and cross-complaint agnst Holway & Westinghouse)	
4-17-73	Order grant deft. until 4-28-73 to file answers to interrogatories, filed. (LB-J)g (copies mailed)8	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-18-73	Ans. of 3rd Pty. Def., Westinghouse, to 3rd Pty. Complaint of Deft., Employers Commercial etc., filed. jj	
4-18-73	Ans. of 3rd Pty. Def., Westinghouse, to Cross Complaint of 3rd Pty. Deft., Ins. Co. of N. America., filed. jj	
4-30-73	Answers to Interrogatories, filed by Deft. v	
5-1-73	ANSWER of 3rd-party deft. Holway & Assns. to Cross-Complaint of 3rd-party deft Ins. Co. of N. Amer., filed.r	
7-5-73	Case set for pre-trial hearing 7-19-73 at 1:30 p.m. (LB-J)hm	
7-13-73	Interrogatories to Grand River Dam Authority, filed by Deft. & Third Party Pltf. v	
7-16-73	Interrogatories to Westinghouse Electric Corporation, filed by Deft. and 3rd Pty Pltf. jj	
7-16-73	Interrogatories to W. R. Holway & Associates, filed by Deft. and 3rd Pty Pltf. jj	
7-19-73	Appl. of the Pltf. for leave to amend complaint, filed. v <i>order to be given to go by atty.</i>	
7-19-73	Pre-trial hearing held. Statements made. Pltf's application for leave to amend complaint is granted by Court directing amendment to add INA as a first party deft. be included in pre-trial order. Pltf. to file pre-trial order within 60 days. Parties to file trial briefs after filing of pre-trial order. If parties can't agree on PT order, case will be set for further pre-trial. Case to be set for jury trial after filing of briefs. (LB-J)hm	
8-7-73	Motion for Extension of time to answer interrogatories, filed by Deft. Westinghouse Electric Corp. v -with order.	
8-9-73	W. R. Holway & Associates, 3rd party defendants' answers to interrogatories, filed. ds	
8-10-73	Order filed, granting 3rd-Party deft. Westinghouse Electric Corp an additional 10 days from 8-17-73 to file and serve answers to interrog. by Employers Comm. Union Ins. Co.. (LB-J)r (Copies mailed)	
8-14-73	Application of GRDA for ext. of time to answer interogs. by deft. and 3rd party pltf, filed. g	
8-16-73	Order, filed, extending time for pltf. to file ans. to interrog. of deft. & third party pltf. to 8-30-73. (LB-J)hm (copies mailed)	
8-23-73	Answers to Interrogatories by Westinghouse Electric Corp., filed. v	
8-28-73	Case set for jury trial 10-25-73 at 9:30 a.m. (LB-J)hm <i>(2 days)</i>	
8-30-73	Answers to Interrogatories by Grand River Dam Authority, filed. jj	
9-20-73	Case continued from jury trial setting on 10-25-73 and reset on 10-31-73 at 9:30 a.m. (LB-J)hm	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-21-73	Pretrial order, filed. (LB-J)hm	
10-1-73	Interrogatories, to Insurance Co. of N. America, filed. v	
10-4-73	Case stricken from jury assignment of 10-31-73, to be reset on next jury assignment. (LB-J)hm (letter written counsel) North	
10-19-73	Answers to interrogatories by Insurance Co. of America, filed. a	
12-11-73	Case set for jury trial 1-21-74 at 9:30 a.m. (LB-J)hm	
12-28-73	Request by def. & 3rd pty pltf. for non-jury trial, filed. rm	
1-4-74	Request by 3rd pty def. Ins. Co. of N.A. for non-jury trial, filed. rm	
1-4-74	Request for non-jury trial of pltf., filed. hm	
1-4-74	Trial brief of pltf. GRDA, filed. hm	
1-8-74	Case stricken from jury assignment of 1-21-74, to be reset on next NON-JURY docket. (LB-J)hm	
1-9-74	Waiver of jury by W. R. Holway & Associates, filed. hm	
1-10-74	Waiver of jury by Westinghouse Electric Corp., filed. v	
1-15-74	Trial Brief of 3rd Pty Deft., Ins. Co. of N. America, filed.jj	
1-15-74	Trial Brief of Employers Commercial Union Insurance Company of America, filed.jj	
1-17-74	Amended Trial Brief of Employers Commercial Union Insurance Company of America filed. e	
3-1-74	Deposititon of Paul J. McLafferty and Burke Frick, for defendants, taken by Loyd J. Christesson on 10-12-74, filed. \$186.00 pd by defts. ds	
3-1-74	Depositions of George F. Mitchell, Jr. and W. C. Williamson, for defendants, taken by Loyd J. Christesson on 10-10-74, filed. \$300 pd by defts. ds	
3-22-74	Case set for non-jury trial in <u>MIAMI, OKLAHOMA</u> on 4-3-74 at 9:30 a.m. (LB-J)hm	
3-28-74	Case reset for non-jury trial in Tulsa, Oklahoma on 4-3-74 at 9:30 a.m. (LB-J)hm	
4-3-74	Case tried to the Court. Parties announce ready. Opening statements made. At close of pltf's case, defts' CU and INA's motions for dismissal denied. By agreement of all counsel, the depositions of Paul McLafferty, W. C. Williamson, G. F. Mitchell & Burke Frick are received in evidence. At conclusion of deft. CU's case, defts. Westinghouse, INA & Holway's motions to dismiss are each overruled. Parties rest. Parties to submit suggested F/F & C/L as to their respective clients within 10 days. Court to then file final F/F, C/L & Judgment. (LB-J)hm	
4-3-74	Trial exhibits, filed. hm	
4-5-74	Suggested Findings of Fact & Conclusions of Law of Ins. Co. of North America, filed. e <i>Mailed to LB 4-23-74</i>	
4-19-74	Proposed findings of fact and conclusions of law of Employers Commercial Union, filed. ds <i>Mailed to LB 4-23-74</i> Continued	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-9-74	Proposed findings of fact and conclusions of law on the 3rd party complaint of Employers Commercial Union Insurance Company and INA against W. R. Holway & Associates and Westinghouse Electric Corporation, filed. ds	
4-10-74	Suggested Findings of Fact and Conclusions of Law of Grand River Dam Authority, filed. e <i>Mailed to LB 4-23-74</i>	
4-15-74	Proposed Findings of Fact & Conslusions of Law by Third Party Deft. Westinghouse Electric Corp., filed. v <i>Mailed to LB 4-23-74</i>	
4-15-74	Suggested Findings of Fact & Conelusions of Law of W.R. Holway & Assoc., filed. v <i>Mailed to LB 4-23-74</i>	
4-22-74	Findings of fact and conclusions of law, filed. (LB-J)hm (copies mailed)	
4-22-74	Judgment, filed and entered, that pltf. recover from deft. Employers Commercial Union Ins. Co. of Amer. the sum of \$103,550.52, with 6% int. from 2-29-72 to date of this judgment & at rate of 10% per annum thereafter, and that pltf. shall recover costs; further ordered that Emp. Comm. Union Ins. Co. of Amer., as third party pltf. take nothing, & judgment is rendered for third party defts. W. R. Holway & Associates, Westinghouse Elec. Corp. & Ins. Co. of No. America, together with their costs. (LB-J)hm (copies mailed)	
4-26-74	Motion for New Trial, filed, of deft and third party pltf. e	
4-26-74	Brief in Support of the Motion for New Trial, filed. e	
4-29-74	Bill of Costs, filed. (of deft. Westinghouse, by D. E. Hammer)	
5-1-74	Bill of Costs of pltf., filed. e	
5-7-74	Release and Satisfaction of Judgment, filed.jj	
5-8-74	Cost hearing held. Costs taxed in the amount of \$601.80 for deft. Westinghouse against Employers Commercial Union. (JS-Clerk) e	
5-16-74	Deft & 3rd pty pltf's Withdrawal of Motion for New Trial and Waiver of Appeal, filed. e	
5-16-74	Release and Satisfaction of Judgment, filed. e	
5-22-74	Release of Court Cost, filed.s	

DATE	PROCEEDINGS	Date Order or Judgment Note